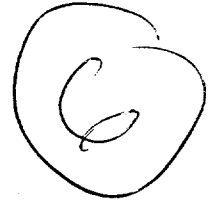


Municipal Clerk
Atlanta, Georgia



Z-01-76

A SUBSTITUTE ORDINANCE BY

02-0-0040

ZONING COMMITTEE

AN ORDINANCE TO AMEND THE 1982 ZONING ORDINANCE OF THE CITY OF ATLANTA BY CREATING A NEW CHAPTER TO BE ENTITLED CHAPTER 33. LW (LIVE WORK) DISTRICT REGULATIONS AND TO AMEND CHAPTER 16-28A.010 BY ADDING A NEW SUBSECTION (39) LW (LIVE WORK) DISTRICT, AND FOR OTHER PURPOSES.

WHEREAS, many existing industrial properties are surrounded by residential neighborhoods; and

WHEREAS, many existing industrial properties face increased pressure to rezone to zoning categories which allow for mixed use and residential development; and

WHEREAS, many existing mixed use and residential zoning categories allow for uses and activities that are not conducive to building nor supporting neighborhoods' quality of life; and

WHEREAS, these districts should have the quality of sidewalks and pedestrian amenities that support linkages with nearby residential neighborhoods; and

WHEREAS, certain industrial uses such as studios, artist spaces and galleries should be preserved in these areas; and

WHEREAS, these districts should offer neighborhood commercial services and should be protected from encroachment of automobile-oriented large uses; and

WHEREAS, the City Sign Ordinance should be amended to include regulations for the LW (Live Work) District.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, AS FOLLOWS:

Section 1: That the 1982 Zoning Ordinance of the City of Atlanta is hereby amended by adding a new Chapter 33. LW (Live Work) District Regulations, which shall read as shown on the attached "Exhibit A".

Section 2: That Chapter 16-28A.010 of the City of Atlanta Municipal Code, the Sign Ordinance, be amended by adding a new subsection (39) to read as follows:

(39) LW (Live Work) District: The regulations for the LW District shall be the same as the regulations in Subsection (3) R-LC (Residential Limited Commercial) District, provided that;

- a. Signs Extending Over the Right-of-Way Prohibited: No sign shall extend or project over any property line onto sidewalk or street right-of-way, except that signs may extend over the supplemental zone.
- b. No freestanding signs shall be permitted for new developments One free-standing sign per property for purposes of building identification shall be permitted for pre-existing principal structures setback a minimum of 40' from the property line with street frontage. Said free-standing sign shall not be located in the sidewalk street furniture zone or clear zone, and shall not exceed 48 square feet in sign area and a height of 15 feet.

Section 3: That all ordinances or parts of ordinances in conflict with this ordinance shall be repealed.

CHAPTER 33. LW
LIVE WORK DISTRICT REGULATIONS

Section 16-33.001. Authority.

The regulations set forth in this chapter, or set forth elsewhere in this part when referred to in this chapter, are the regulations for the Live Work District. These regulations shall supplant existing districts or portions of existing districts, except that all existing categories of historic protection designated pursuant to Chapter 20 of Part 16 shall continue in full force and effect and said existing historic protection regulations shall be overlaid upon, and shall be imposed in addition to, the regulations set forth in this Chapter. Whenever the following regulations are at variance with said existing historic protection regulations, the historic protection regulations shall apply. Whenever the following regulations conflict with provisions of Part 16 other than historic protection regulations, the more stringent regulation shall apply.

Section 16-33.002. Findings, purpose and intent.

The City of Atlanta finds that the size, scale and character of commercial uses directly affects the adjacent neighborhoods and the public health, safety and welfare. The city finds that highway-oriented retail, service, office and dining uses which are intended to serve larger areas of the city instead of a single neighborhood or small group of neighborhoods leads to development pressure on existing, developing and revitalizing neighborhoods, and on developing or existing historical neighborhood commercial development patterns connected associated with these neighborhoods. The city finds there is a need to protect existing and developing neighborhood areas from incompatible uses resulting from intense highway-oriented development, and from uses associated with the redesignation of properties from industrial areas to commercial and residential areas. The city finds that there is a substantial need to encourage a balanced mix of uses to include proportionately significant residential uses and to facilitate safe, attractive and convenient pedestrian circulation. The city finds that it is necessary to improve air quality by promoting walking and reducing the number of vehicular trips. The city finds that it is necessary to establish adequate parking requirements by encouraging shared parking arrangements. The city finds that there is a substantial need directly related to the public health, safety and welfare to comprehensively address these concerns through the adoption of the following regulations. The purpose and intent of this chapter, in establishing the Live Work (LW) district, is as follows:

1. Promote a balance of retail, service, office, dining and residential uses which serve the adjacent residential neighborhoods;
2. Encourage the rehabilitation or development of underutilized industrial areas to include significant residential uses;
3. Enhance the environmental and recreational amenities of railroad corridors through greenspace and landscaped buffers, pedestrian and bike connections and adjacent neighborhood parks.

4. Provide opportunities for the creation of live/work housing units that allow for the operation of limited types of small business out of the home.
5. Provide sufficient, safe and accessible open space for active and passive enjoyment by residents and workers;
6. Improve the quality of air and water through provisions for the planting of trees, greenspace protection, bicycle parking and electric vehicle parking;
- ~~8.7.~~ Create a diversified city where people across the spectrum of age, income, ethnicity, and culture can live, work, shop, meet, and play;
- ~~9.8.~~ Create a diversified urban environment where people can live, work, meet and recreate;
- ~~10.9.~~ Improve the aesthetics of the built environment;
10. Protect existing ~~primarily stable~~ single-family neighborhoods from uses and building forms which are incompatible with their scale, character and needs;
11. Create new ~~commercial nodes~~ mixed-use districts, in areas so indicated in the Comprehensive Development Plan, which are pedestrian-oriented and provide uses which serve adjacent neighborhoods have a balance of residential and commercial land uses;
- ~~14.12.~~ Prohibit the development of larger scale highway-oriented retail, service, office and dining uses which are intended to serve larger areas of the City than a single neighborhood or a small group of neighborhoods;
- ~~15.13.~~ Encourage a grid of connected streets to improve access and reduce congestion;
- ~~16.14.~~ Facilitate safe, attractive and convenient pedestrian circulation and minimize conflicts between pedestrians and vehicles;
- ~~17.15.~~ Encourage pedestrian flow through the design of buildings with sidewalk level uses, which open directly onto sidewalks adjacent to public streets;
- ~~18.16.~~ Improve pedestrian access within the district and to and from the surrounding neighborhoods;
- ~~19.17.~~ Establish building façade lines and sidewalk requirements, and reserve the space between buildings and the street for pedestrian functions;
- ~~19.18.~~ Minimize the use of streets in adjacent single-family neighborhoods for parking that serves commercial land uses by establishing adequate parking requirements and encouraging shared parking arrangements
- ~~19.~~ Encourage infill and rehabilitation development to include a significant number of residential uses;
- ~~20.19.~~ Provide a range of housing types and prices to meet different housing needs.

Section 16-33.003. Special administrative permit requirement for building permits: Effect on other special permit requirements.

Except as provided below, no building permit in any Live Work district shall be issued unless and until it has been approved through the issuance of a Special Administrative Permit (SAP) under the requirements so specified in Section 16-25.004, as meeting applicable requirements and intent as set forth for the district involved. A SAP application and seven (7) copies each of a site plan, landscape plan and elevation drawings of each exterior façade shall be submitted, as

Substitute - Exhibit A
Z-01-76

applicable, and approved by the Director of the Bureau of Planning prior to the applicant filing for issuance of a building permit.

Where regulations may require the approval of a special administrative permit for other purposes so specified, processing by the Director of the Bureau of Planning shall, without additional application, include consideration of other Special Administrative permits. Where such regulations require Special Exception or Special Use permit action, the Special Administrative permit for building permit purposes shall not be issued until the necessary approval has been obtained for Special Exception or Special Use permit.

Section 16-33.004. Permitted Principal Uses and Structures.

1. A building or premise shall be used for the following permitted principal uses and structures.
 - a. Single-family, two-family and multi-family dwellings.
 - b. Structures and uses required for operation of MARTA or a public utility but not including uses involving storage, train yards, warehousing switching or maintenance shop as the primary use.
 - c. No more than three (3) persons shall be engaged in any of the following individual uses when located on streets which function as local streets, one (1) of whom shall be a member of the family residing on the premises, and hours of operation shall be between 9:00 AM and 9:00 PM. Said restriction shall not apply at the intersection of local streets with arterial or collector streets. On local streets, said uses shall be located at street intersections only:
 - i. Manufacturing, repairing not including automobiles or heavy machinery, compounding, assembly, processing, preparation, packaging or treatment of articles, foods, components, products, clothing, machines and appliances and the like, where character of operations, emissions and byproducts do not create adverse effects beyond the boundaries of the property.
 - ii. Offices, arts and crafts galleries and studios.
 - ~~2. All of the following uses shall not exceed two thousand (2,000) square feet of floor area regardless of street type:~~
 - ~~a. Bakeries and catering establishments.~~
 - ~~b. Laundry and dry cleaning collection stations, laundry and dry cleaning establishments where customers operate equipment.~~
 - ~~c. Tailoring, custom dressmaking, millinery and similar establishments.~~
 - ~~3. All of the following uses when located on streets that function as local streets shall be located at the intersection with another street, and when located at the intersection of two (2) streets that function as local streets shall not exceed two thousand (2,000) square feet of floor area. When located on streets that function as arterial streets and collector streets, the following uses shall not exceed eight thousand (8,000) square feet of floor area:~~
 - ~~a.~~
- 3.2. Other permitted commercial uses:

Substitute - Exhibit A
Z-01-76

Local Streets: Any single use shall be located at street intersections only. When located at intersections of two local streets, shall not exceed two thousand (2,000) square feet of gross floor area.

Arterial or Collector Streets: the following uses shall not exceed eight thousand (8,000) square feet of gross floor area.

- a. Bakeries and catering establishments, not to exceed two thousand (2,000) square feet.
- b. Banks, savings and loan associations, and similar financial institutions ~~but not including any drive-in service window, except walk-up automatic teller machines and night drop.~~
- ~~b.c.~~ Barber shops, beauty shops, manicure shops and similar personal service establishments.
- ~~c.d.~~ Childcare centers, kindergartens and special schools.
- ~~d.e.~~ Clubs and lodges.
- ~~e.f.~~ Commercial greenhouses.
- ~~f.g.~~ Commercial recreation establishments, including bowling alleys, theaters, convention halls, places of assembly and similar uses with primary activities conducted within fully enclosed buildings. Pool halls, billiard parlors and amusement arcades allowed only by special use permits.
- ~~g.h.~~ Eating and drinking establishments including restaurants, bars, coffee shops, delicatessens, and taverns.
- ~~h.i.~~ Grocery stores.
- ~~b.d.~~ Laundry and dry cleaning collection stations, laundry and dry cleaning establishments where customers operate equipment, not to exceed two thousand (2,000) square feet.
- ~~i.j.~~ Museums, art galleries, libraries, and similar profit or non-profit cultural facilities.
- ~~j.k.~~ Nursing homes and convalescent centers.
- l. Offices, studios, clinics (including veterinary), laboratories and similar uses. Veterinary clinics including all kennels and accessory areas shall be enclosed within soundproof buildings, subject to the provisions in Chapter 74, Article IV, Noise Control.
- ~~m.~~ ~~Parking structures and lots within three hundred (300) feet of primary use.~~
- ~~m.n.~~ Plumbing, air conditioning service and repair.
- ~~n.o.~~ Photocopying or blueprinting shops.
- ~~o.p.~~ Professional or service establishments, but not hiring halls.
- ~~p.q.~~ Public schools or private schools having similar academic curricula and special schools for exceptional children.
- ~~q.r.~~ Retail establishments.
- ~~r.s.~~ Sales and repair establishments for home appliances, bicycles, lawn mowers, shoes, clocks and similar household goods.
- ~~s.t.~~ Security storage centers.
- u. Repair garages and paint and body shops shall be permitted only on streets that function as arterial streets and collector streets. Vehicular storage shall not be visible from any public right-of-way.

- v. Tailoring, custom dressmaking, millinery and similar establishments, not to exceed two thousand (2,000) square feet.

4.3. Additional regulations for street-fronting non-residential uses along streets:

- a. Parking, storage, or digital industry switchboards, power generators and other relay equipment and rooms housing such equipment shall be permitted, with the exception of a minimum depth of twenty (20) feet of the ground floor street frontage beginning at any building façade along the public sidewalk.
- b. The length of façade without intervening fenestration or entryway shall not exceed twenty (20) feet.
- c. Fenestration shall be provided for a minimum of seventy-five (75%) percent of the length of the frontage:
 - i. Beginning at a point not more than three (3) feet above the sidewalk, to a height no less than ten (10) feet above the sidewalk; or
 - ii. Beginning at the finished floor elevation to a height no less than ten (10) feet above the finished floor elevation when the finished floor elevation is three (3) or more feet above the sidewalk; or
 - iii. Beginning at a point not more than sidewalk level, to a height no less than ten (10) feet above the finished floor elevation when the finished floor elevation is below the sidewalk; and
 - iv. Fenestration shall not utilize painted glass, reflective glass or other similarly treated or opaque windows. Entrances may be counted towards fenestration requirements.

Any principal use and structure not specifically listed above is prohibited in this district.

All commercial sales and service shall be conducted within enclosed permanent structures and there shall be no unenclosed displays of merchandise with the exception of off-street parking and outdoor dining. Outdoor sales or displays are permissible only by special permit as set forth below.

No use or manner of operation shall be permitted which is obnoxious or offensive by reason of odor, smoke, noise, glare, fumes, gas, vibration, unusual danger of fire or explosion, emission of particulate matter, or interference with radio or television communication, or is otherwise incompatible with the character of the district and its relation to adjoining districts.

Use of heavy drop hammers, punch presses or other machinery; or processing methods creating an excessive noise or vibration is prohibited in this district, subject to the provisions in Chapter 74, Article IV, Noise Control.

Pursuant to Section 16-28.016 adult businesses are not permitted uses in this district.

Section 16-33.005. Permitted Accessory Uses and Structures.

Substitute - Exhibit A
Z-01-76

Accessory uses and structures permitted within this district shall include those customarily accessory and clearly incidental to permitted principal uses and structures and specifically includes clubhouses, pools, and other recreation amenities, and parking to serve authorized residential and non-residential uses within the district subject to the restrictions contained elsewhere in this Chapter.

Accessory parking structures and lots for required parking are permitted within three hundred (300) feet of primary use as measured from the nearest property line and within the same zoning district, without a special exception.

Section 16-33.006. Special Permits.

The following uses are permissible only by additional special permits of the type indicated subject to limitations and requirements set forth in this Chapter 33 or elsewhere in this part, and subject to the applicable procedures and requirements set forth in Section 16-25.001, et seq.

1. Special use permits:

- a. Bingo parlors.
- b. Broadcasting towers and line-of-sight relay devices for telephonic, radio or television communications greater than seventy (70) feet in height, except alternative design mounting structures as contemplated by Section 16-25.002(3)(h)(iv)(i), and subject to Transitional height planes (Chapter 1, Section 16-35.00919-1006).
- c. Churches, synagogues, temples and other religious worship facilities having a minimum lot area of at least one (1) acre.
- d. Community centers and the like, when not owned by a governmental agency.
- e. Community service facilities, and the like, when not owned by a governmental agency.
- f. Dormitories, fraternity houses and sorority houses.
- g. Grocery stores between eight thousand (8,000) square feet and fifteen thousand (15,000) square feet in floor area when located along streets that function as arterial streets or collector streets.
- h. Group home, congregate care home and rehabilitation centers.
- i. Helicopter landing facilities or pickup or delivery stations.
- j. Hotels and roominghouses.
- k. Ninety (90) days or more duration: Outdoor amusement enterprises, exhibits, entertainment, meetings, displays or sales areas, or outdoor areas for religious ceremonies of ninety (90) days or more duration.
- l. Park-for-hire parking decks.
- m. Poolrooms, billiard parlors, amusement arcades.
- n. Recreational centers.
- o. Single room occupancy residence.
- p. Transfer of development rights. Transfer of development rights is permissible provided each of the following criteria are met in addition to those set forth in Section 16-28.023:

Substitute - Exhibit A

Z-01-76

- i. The donor parcel must be either National Register listed, National Register eligible or property designated under the City's historic preservation ordinance;
- ii. The transfer documents must ensure that the historic property shall remain in perpetuity; and
- iii. If the historic property is not designated under the City's historic preservation ordinance at the time of transfer, it must be so designated prior to issuance of any building permit for the receiving property if said permit involves, in any way, the transferred development rights.

(See Section 16-28.023 for further requirements of the Transfer of Development Rights process.). ~~For purposes of application of this subsection to said Section 16-28.023, properties shall be deemed to be closely proximate if both lie in a contiguously zoned Live-Work district.~~

2. Special administrative permits:

- a. Broadcasting towers and line-of-sight relay devices for telephonic, radio or television communications seventy (70) feet or less in height, and an alternative design mounting structures as contemplated by Section 16-25.002(3)(h)(iv)(i), and subject to Transitional height planes (Chapter 1, Section 16-33.008 19.006).

- a.b. Driveways located between the sidewalk and the building for Childcare centers, kindergartens and special schools, subject to provisions of Section 16-25.002(3).

- c. Small family care home, subject to the limitations set forth in section 16-29.001(16).

- d. Ninety (90) days duration or less: Outdoor amusement enterprises, exhibits, entertainment, meetings, display or sales areas, or outdoor areas for religious ceremonies ~~of less than ninety (90) days duration.~~

- e. Outdoor displays of merchandise or sales areas within the supplemental zone adjacent to commercial uses.

- a.f. Two (2) curb cuts along one street frontage on properties with a single street frontage greater than three hundred (300) feet, subject to provisions in Section 16-25.002(3).

- g. Variation in residential open space requirements for buildings built before 1950.

- h. Variations in fenestration requirements.

- i. Fenestration in keeping with the scale of the nearest commercial storefront built before 1950 in the same or adjacent blocks, which is closest to meeting the requirements in Section 16-33.013(7); and

- ii. Fenestration may be varied where there are development constraints related to topography.

- i. Variations in street tree requirements. Variations are subject to constraints such as overhead or underground utilities.

- a.j. Variations in driveway requirements: Driveways that are outside the lot boundaries provided they are directly connected to a public street, subject to provisions in Section 16-25.002(3).

- k. Variations in surface parking lot landscaping and barrier requirements. Variations may be granted only upon making all of the following findings:

Substitute - Exhibit A
Z-01-76

- i. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, topography, subsurface conditions, overhead structures or the existence of sufficient trees in the public right-of-way within ten feet of the property line;
- ii. Such conditions are peculiar to the particular piece of property involved; and
- iii. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this article and of part 16 of this Code.

~~l. Pedestrian circulation requirements: Substitute or alternative pedestrian routes through or between buildings for part or all of the requirements in this Chapter may be authorized by special administrative permit, upon a finding by the Bureau of Planning that: (i) such pedestrian ways are not inconsistent with the purpose and intent of this Chapter; and (ii) such pedestrian ways provide equal or improved pedestrian circulation. That portion of the Pedestrian Circulation requirement which lies within the net lot area shall constitute a corresponding portion of the Open Space Requirements.~~

l. Variations for sidewalk and supplemental zone width requirements: In blocks where fifty (50%) percent or more of the buildings were built before 1950, width requirements may be reduced to match the existing building setbacks, as measured from the curb, of the nearest two adjacent buildings located on the same side of the street.

m. Variations in width requirements for new streets when counted towards open space requirements for the following when any of the following are provided:

- i. Addition of bike lanes;
- ii. Addition of angled parking;
- iii. Addition of landscaped medians and roundabouts;
- iv. Elimination of on-street parking on one side of a one-way street.

n. Retaining walls greater than two (2) feet in height between the building façade line and the street, where existing topography prohibits does not require retaining walls of a lesser greater height, and subject to except where necessary to meet the provisions in Section 16-25.002(3).

o. Outdoor dining within required sidewalk for pre-existing buildings: Buildings existing prior to the adoption of this ordinance with adjacent sidewalks that do not meet the requirements of this Chapter, may have outdoor dining that encroaches into the sidewalk provided the following criteria are met:

- i. Shall have a minimum of eight (8) feet of unobstructed sidewalk area adjacent to the curb when located adjacent to on-street parking;
- ii. Shall have a minimum of six (6) feet of unobstructed sidewalk area adjacent to the curb when not located adjacent to on-street parking;
- iii. No permanent structure or ornamentation shall be located within the encroachment area and no element shall be attached to the sidewalk in any way;

Substitute - Exhibit A
Z-01-76

- iv. At such time as the outdoor dining use is discontinued, sidewalks shall comply with all requirements of this Chapter; and
- v. Outdoor dining may be separated from the sidewalk only with movable planters, fencing or similar non-fixed barriers provided they do not exceed a height of thirty-six (36) inches including any plant material.
- p. Outdoor dining within required sidewalk for new construction: New developments may have outdoor dining that encroaches into the sidewalk a maximum of two (2) feet provided the provided the following criteria are met:
 - i. No permanent structure or ornamentation shall be located within the encroachment area and no element shall be attached to the sidewalk in any way;
 - ii. At such time as the outdoor dining use is discontinued, sidewalks shall comply with all requirements of this Chapter; and
 - iii. Outdoor dining may be separated from the sidewalk only with movable planters, fencing or similar non-fixed barriers provided they do not exceed a height of thirty-six (36) inches including any plant material.

3. Special exceptions:

- a. ~~Churches, synagogues, temples and other religious worship facilities where lot area is less than one (1) acre.~~
- b. Structures or portions of structures greater than three hundred (300) feet from any R-1 through R-5, R-G, MR, or PD-H district boundary and a maximum height of ~~one hundred and ten (110)~~ seventy six (76) feet, where topography permits structures of greater heights which will not adversely affect the relationship of the building to the street. Said height shall be measured from the grade of the street on which the building faces.
- c. Off-street required parking decks and lots between three hundred (300) to five hundred (500) feet of from primary use as measured ~~along a pedestrian path of travel from the nearest property line~~ and within the same zoning district. An applicant shall submit written consent from property owner of the proposed off-site parking area. All parking spaces shall be clearly marked and signed as reserved during specified hours.
- d. Relocation of minimum open space requirements: At the option of the property owner, up to fifty (50%) percent of a development's required UOSR or public space may be relocated to an offsite parcel within one-half (0.5) mile of the donating parcel provided the following criteria are met:
 - i. The receiving parcel is in accordance with the City of Atlanta Comprehensive Development Plan as being a designated recipient parcel;
 - ii. The receiving parcel contains the required amount of open space and said open space in the receiving parcel is located adjacent to and visible from a public street and accessible to the public during normal city park hours;

Substitute - Exhibit A
Z-01-76

- iii. All of the open space in the receiving parcel meets the definition of UOSR in Section 16-28.010(5)(a) except that no portion of any public right-of-way shall be included; and
- iv. The open space in the receiving parcel:
 - (a) Shall provide active or passive recreational amenities;
 - (b) Shall be no greater than twenty-four (24) inches above or below the adjacent public sidewalk for a minimum distance of fifteen (15) feet from the beginning of the adjacent sidewalk;
 - (c) Shall be visible and accessible from any point along ninety (90%) percent of any adjacent sidewalk; and
 - (d) Shall permit and encourage pedestrians to walk on a minimum of eighty (80%) percent of the surface of the parcel excluding fountains, pedestrian furniture, public art and similar elements.
- ~~e. Retaining walls greater than two (2) feet in height between the building façade line and the street.~~
- f. ~~Variations to reduce~~ Reduction of parking requirements may be permitted subject to a shared parking arrangement under the following criteria:
 - i. The arrangement shall avoid conflicting parking demands and provide for safe pedestrian circulation and access;
 - ii. All shared parking spaces shall be clearly marked; and
 - iii. An applicant shall submit the following information as part of the application to reduce parking requirements and avoid conflicting parking demands:
 - a). A to-scale map indicating location of proposed parking spaces;
 - b). Hours of business operation of nonresidential parking users;
 - c). Written consent of property owners agreeing to the shared parking arrangement; and
 - d). Copies of parking leases. Renewed leases shall be filed with the Bureau of Planning. Lapse of a required lease agreement shall terminate the Special Administrative permit for shared parking.

Section 16-33.007. Redevelopment Requirements.

~~Any property wherein sixty (60%) percent or greater of the principal building is removed or destroyed by any means shall be redeveloped in accordance with the requirements of this Chapter and any paving or other accessory structural elements within any required transitional yard shall be removed and buffers provided as required herein, notwithstanding any other provisions in Part 16 to the contrary.~~

Subject to the provisions in Part 16, Chapter 24, Nonconformities.

Section 16-33.008. Transitional Uses and Yards.

- ~~1. Adjoining Lot with Same Frontage: Where a lot in this district abuts a lot in any R-1 through R-G, MR, or PD-H district at the side along the same street frontage, and without an intervening street, such lot within this district, or the first one hundred (100) feet on such lot if it is wider than one hundred (100) feet, shall not be used for any drive-through service window or drive-in facility;~~

Substitute - Exhibit A
Z-01-76

~~car wash, service station, mortuary or funeral home, sales lot for automobiles, repair garage, or paint and body shop even where otherwise specifically authorized.~~

2.1. Transitional height planes: Where this district adjoins an R-1 through R-5, R-G 1, R-G 2, MR-1, MR-2, RLC, or PD-H districts with a height limitation less than the subject district without an intervening street, height within this district shall be limited as follows: No portion of any structure shall protrude through a height-limiting plane beginning thirty five (35) feet above the buildable area boundary nearest to such residential district boundary and extending inward over this district at an angle of forty five (45) degrees by the Transitional Height Plane requirements as defined in Chapter 1, Section 19-1006.

3.2. Transitional yards:

- a. Where this district adjoins residential districts R-1 through R-5, R-G, MR, RLC, or PD-H district with a height limitation less than the subject district, without an intervening street or without meeting the conditions in Section 16-33.008(2)(b) of this chapter, a minimum of twenty (20) feet is required which shall not be used for the purpose of parking, paving, loading, servicing or any other activity with the exception of private alleys or drives up to ten (10) feet in width. Such yards shall be planted as approved by the City Arborist and maintained as a landscaped strip.
- b. Where this district adjoins an R-G, MR, RLC, PD-H, NC, or MRC district and contains a building, structure, or use located in both zoning districts, a transitional yard is not required, provided that the portion of the building, structure, or use within twenty (20) feet of the R-G, MR, RLC, PD-H, NC or RCM zoning district shall only contain principal or accessory uses and structures permitted such district.
- c. Screening: In addition to the above transitional yard requirements, permanent opaque walls six (6) feet in height shall be provided and shall be maintained in sightly condition.

4.3. Fire safety code requirements: The applicant shall be responsible for ensuring that the plans submitted meet all fire safety code requirements.

Section 16-33.009. Development Controls.

1. Bulk limitations: Table A provides a summary of the density and open space requirements. For purposes of this Chapter, and notwithstanding the provisions of Code Section 16-29.001(24), mixed-use development is defined as any development which contains as principal uses both residential and non-residential uses on the same development site, and in which both of such uses are at least twenty (20%) percent of the total floor area, excluding accessory uses.

a. Maximum permitted floor areas without bonuses:

- i. For nonresidential uses, floor area shall not exceed an amount equal to one-half (0.5) times net lot area.
- ii. For residential uses, floor area shall not exceed an amount equal to six hundred ninety-six thousandths (0.696) times gross net lot area.
- iii. For mixed-use developments that combine residential and non-residential uses, floor area ratio shall not exceed one and one hundred

Substitute - Exhibit A
Z-01-76

ninety-six thousandths (1.196) times net lot area [the sum of the non-residential (i) and residential (ii) above], but not greater than the maximum floor areas permitted for each (See section 16-29.001(24)).

b. Maximum permitted floor area with bonuses:

Under no circumstances shall the floor area of any development with bonuses exceed an amount equal to two (2.00) times gross lot area.

i. ~~For residential uses (Open space and streets bonus): Floor area shall not exceed an amount equal to two (2.00) times gross lot area provided that for every one (1) square foot of non-required open space and streets built, up to two (2) additional square feet of buildings are permitted and that the following regulations are met: Developments shall be permitted a bonus equal to two (2) additional square feet of residential floor area for each one (1) square foot on open space provided above the minimum required herein without the bonus. Said bonus shall be permitted provided that the following regulations are met:~~

a). Open space shall meet the requirements of Section 16-33.006(3)(e)(iv).

b). Streets shall meet the requirements of Section 16-33.011 and Section 16-33.009(5)(e).

~~ii. Affordable housing bonus: Residential uses shall be permitted a floor area ratio bonus of two (2.00) times gross lot area, provided that twenty (20%) percent or more affordable sales housing units or rental housing units are provided for that portion of residential units resulting from the bonus. Developments containing residential uses shall be permitted a floor area ratio bonus of one and three tenths (1.30) times net lot area, provided that a minimum of twenty (20%) percent of the increment of total floor area developed above the amount permitted without the bonus shall be used for affordable sales housing units or affordable rental housing units. Said affordable units provided shall have a proportional mix of studio, one bedroom, two bedroom, and three bedroom units. The percentage mix of affordable studio, one bedroom, two bedroom, and three bedroom units shall be proportionally similar to the percentage mix in the overall development.~~

iii. Ground-floor commercial bonus: Developments which provide street-fronting, sidewalk level retail establishments or eating and drinking establishments which comprise a minimum of twenty (20%) percent of the building foot print and meet all of the requirements of Section 16-33.013(6) shall be permitted a floor area ratio bonus equal to the total retail establishment or eating and drinking establishment floor area.

iv. Civic bonus: Developments which provide buildings housing recreational centers, community centers and community service facilities which are available to the general public during normal city recreational center, community center or community service hours shall be permitted a residential floor area ratio bonus equal to the total recreational center, community center or community service facility floor area.

Substitute - Exhibit A
Z-01-76

- v. Open space bonus: Residential uses shall be permitted to calculate any of the above floor areas ratios in Section 16-33.009(1) utilizing gross lot area, for purposes of providing additional density based on such calculation. Developments utilizing the open space bonus shall not be permitted any reduction in open space requirements.

Table A: Summary of Density and Open Space Requirements

LW District	Base FAR* (net lot area)			Bonus FAR* (net lot area)					Min. Open Space Requirements		
	Non-Residential	Residential	Combined	Residential (Open Space & Streets)	Residential (Affordable Housing^)	Residential or Non-residential (Groundfloor Commercial^)	Residential (Civic)	Max. FAR with Bonuses	Public Space**	TOSR	UOSR
LW	0.50	0.696	1.196	Two (2) sf of residential floor area for every one (1) sf of open space	1.30	none	One (1) sf of residential floor area for every one (1) sf of civic space	2.00	10% or 20%	none	LUI

*Residential floor area may be calculated utilizing gross lot area.
 ** Public Space Requirements: 10% for lots less than or equal to one acre, 20% for lots greater than one acre. Public space may be counted towards UOSR for mixed-use developments.
 ^ Bonus residential FARs requires a minimum of 20% of the bonus residential FAR to be affordable, and a minimum of 20% of the building footprint must provide sidewalk level, street-fronting retail and dining uses.
 Sf = Square feet.

2. Affordable new sales housing units or rental housing units requirements:
 - a. Affordable housing shall have the meaning set forth in Part 19, Chapter 1, Section 19-1006.
 - b. Affordable requirements shall be in place for a minimum of ~~forty (40)~~ twenty (20) years.
 - c. No housing unit associated with a development project for which bonus FAR calculations were applied shall be issued an occupancy permit until such time as documentation is provided to the Bureau of Buildings establishing that the affordable housing requirements have been met and have been instituted as part of the warranty deed as an allowable exception to title for each affordable unit that is a part of said development project.
3. Maximum building coverage: Eighty-five (85%) percent of the net lot area.
4. Side or rear yards when not adjacent to a street:
 - a. For single-family, two-family and zero-lot-line residential uses, a minimum seven (7) feet side and rear yard setback shall be required.
 - b. For multi-family residential uses, a minimum twenty (20) feet side and rear yard setback shall be required and shall be permitted to have private alleys or drives a maximum of ten (10) feet in width, all other areas shall be landscaped with groundcover and trees.
 - c. For nonresidential uses: No requirement, subject to the Transitional Yards requirements in Section 16-33.008.
5. Minimum open space requirements: When either the residential or non-residential component of the development is a minor use of less than twenty

Substitute - Exhibit A
Z-01-76

(20%) percent of the total floor area, minimum open space requirements do not apply to such minor use.

- a. For residential uses, including all residential components of mixed use developments: Open space requirements as indicated on Table I, "Land Use Intensity Ratios" shall be required for Useable Open Space (UOSR) only.
- b. For nonresidential uses, including all non-residential components of mixed-use developments:
 - i. Developments of less than or equal to one-half (0.5) acre: A minimum of ten (10%) percent of the net lot area shall be public space.
 - ii. Developments greater than one-half (0.5) acre: A minimum of twenty (20%) percent of the net lot area shall be public space.(See Section 16-28.012 for definitions and measurements. Required yards and requirements for sidewalk and supplemental zone widths which are constructed on private property may be counted towards this requirement. Such public space may include planted areas, fountains, plazas, hardscape elements related to sidewalks and plazas, and similar features which are located on private property.)
- c. For mixed-uses: The sum of minimum open space requirements specified in subsections a. and b. above for non-residential and residential shall be met, except that public space requirements may also be counted towards UOSR.
- d. Residential balconies: Balconies for residential units, which are enclosed on no more than ~~on~~ three (3) sides, may be counted towards UOSR for a maximum depth of six (6) feet.
- e. New streets incentive: New public streets, or private streets which function as public streets may be counted towards UOSR or public space requirements provided the following criteria are met:
 - i. Connects two (2) other public streets, or private streets which meet the requirements ii, iii, and iv below; and
 - ii. Meets the requirements of Section 16-33.011; and
 - iii. The maximum width shall be ~~forty (40)~~ thirty six (36) feet which shall include, two (2) on-street parallel parking lanes, two (2) travel lanes and sidewalk extensions at intersections and shall have granite curbs; and
 - iv. When adjacent to a park area, new streets shall meet all above requirements along each park edge; and
 - v. Gates shall not be permitted across said streets.
- f. Connectivity incentive: Developments which provide connectivity across public rights-of-ways which do not provide pedestrian access, such as railroads and freeways, may be permitted by the Director of the Bureau of Planning to be counted towards UOSR or public space requirements subject to the following criteria:
 - i. Said connectivity shall be achieved through the use of public streets, private streets which function as public streets, pedestrian walkways or bike and jog paths; and
 - ii. Streets shall meet the requirements of Section 16-33.011; and

Substitute - Exhibit A
Z-01-76

- iii. Pedestrian walkways shall be a minimum width of (6) feet and bike and jog paths shall be a minimum width of ten (10) feet; and
- iv. Streets, pedestrian walkways and bike and jog paths shall connect to other public streets, pedestrian walkways, bike and jog paths or parks.
- g. On-street parking incentive: New on-street parking may be counted towards UOSR or public space requirements provided the following criteria are met:
 - i. No on-street parking currently exists in the public right-of-way adjacent to the project area for which credit is sought;
 - ii. The new on-street parking is located where there is no existing street lane;
 - iii. The on-street parking occupies an entire block face or a minimum distance of two hundred (200) feet;
 - iv. Sidewalk extensions are provided at street intersections; and
 - v. All other sidewalk requirements of this Chapter are met.
- 6. Showering facilities: All office buildings containing over twenty thousand (20,000) square feet of gross office space shall provide showering facilities, which shall include showers and lockers, in a ratio of at least two (2) showering facilities for every twenty thousand (20,000) square feet of gross office space, which facilities shall be available to all building tenants and their employees, provided that no office building shall be required to exceed a maximum of four (4) showering facilities.

Section 16-33.010. Site Limitations.

- 1. Minimum building façade heights: Buildings shall have a minimum façade height of eighteen (18) feet along each façade adjacent to any sidewalk or supplemental zone.
- 2. Maximum building heights: Structures or portions of structures which are within one hundred-fifty (150) feet of any R-1 through R-5, R-G 1, R-G 2, MR-1, MR-2, or PD-H district boundary shall have a maximum height of thirty-five (35) feet. Structures or portions of structures that are greater than one hundred-fifty (150) feet from any R-1 through R-5, RG, ~~MR~~ or PD-H district boundary or MR district with a height limitation less than the subject district shall have a maximum height of fifty-two (52) feet.
- 3. New development proposing to contain an entire block face greater than six hundred (600) feet in length shall be traversed by streets which create block faces no more than four hundred (400) feet in length. For purposes of this chapter, a block face shall be measured from the back of sidewalk clear zones or required supplemental zones. Such streets shall function as public streets and shall connect two (2) other public streets.
- 4. Properties adjacent to the right-of-way of public streets which dead-end or cul-de-sac, shall provide a street connection to said right-of-way of public street and shall meet the requirements of Section 16-33.009(6)(e) and Section 16-33.011.
- 5. Properties adjacent to a public spaces such as a park, greenway trail, railroad right-of-way which has been abandoned or a railroad right-of-way with an existing or proposed rail-trail:

Substitute - Exhibit A
Z-01-76

- a. Shall have a minimum of a twenty (20) feet wide buffer along the property line adjacent to said public space. Said buffer shall be completely landscaped excluding walkways, benches and other such recreational features as approved by the Director of the Bureau of Planning; or
 - b. Shall provide a new public access street, pedestrian walkway, or bike and jog path between any development and said space and shall meet the following requirements:
 - i. Streets shall meet the requirements of Section 16-33.009(6)(e);
 - ii. Pedestrian walkways shall be a minimum width of six (6) feet and bike and jog paths shall be a minimum width of ten (10) feet; and
 - iii. Wherever possible, streets, pedestrian walkways and bike and jog paths shall connect to other streets, pedestrian walkways, bike and jog paths and parks.
 - c. Shall not locate off-street parking areas or loading docks between any building and said space except in cases where meeting this would require the development to be in conflict with the requirements of Section 16-33.016 or Section 16-33.021.
 - d. Shall include an entrance to all adjacent uses which:
 - i. Shall face and be visible from the park space, greenway, abandoned rail line or rail line with an existing or proposed rail-trail;
 - ii. Shall be directly accessible from said space from the park space, greenway, abandoned rail line or rail line with an existing or proposed rail-trail; and
 - iii. Wherever possible shall open directly onto the adjacent sidewalk, or an outdoor dining area or plaza adjacent to the sidewalk.
6. Drive-through service windows and drive-in facilities are prohibited.
7. Fire safety code requirements: The applicant shall be responsible for ensuring that the plans submitted meet all fire safety code requirements.

Section 16-33.011. Sidewalks.

Public sidewalks shall be located along all public streets and shall have minimum widths as specified herein. No sidewalk shall be less than fifteen (15) feet in width. Sidewalks shall consist of two zones: a street furniture and tree planting zone and a clear zone. The following regulations shall apply to all public sidewalks:

1. Street furniture and tree planting zone requirements: The street furniture and tree planting zone shall have a minimum width of five (5) feet. Said zone shall be located immediately adjacent to the curb and shall be continuous. Said zone shall meet the tree planting requirements of Section 16-33.011(3). In addition to the required planting of trees, this zone may also be used for the placement of street furniture including utility poles, waste receptacles, fire hydrants, traffic signs, newspaper vending boxes, bus shelters, bicycle racks and similar elements in a manner that does not obstruct pedestrian access or motorist visibility and as approved by the Director of the Bureau of Planning.
2. Clear zone requirements: Said zone shall be located immediately contiguous to the street furniture and tree planting zone and shall be continuous. Said zone shall be hardscape, and shall be unobstructed for a minimum height of

Substitute - Exhibit A
Z-01-76

eight (8) feet and for a minimum width as specified below, by any permanent or nonpermanent element except as authorized in Section 16-33.013(8).

- a. Along streets that function as arterial streets or collector streets: Minimum width of ten (10) feet.
- b. Along streets that function as local streets: Minimum width of six (6) feet.
3. Street tree planting requirements: Street trees are required and shall be planted in the ground a maximum of forty feet (40) on center within the street furniture and tree planting zone and spaced equal distance between street lights. All newly planted trees shall be a minimum of three (3) inches in caliper measured thirty-six (36) inches above ground, shall be a minimum of twelve (12) feet in height, shall have a minimum mature height of forty (40) feet, and shall be limbed up to a minimum height of seven (7) feet. Trees shall have a minimum planting area of thirty-two (32) square feet. All plantings, planting replacement and planting removal shall be approved by the City Arborist. The area between required plantings shall either be planted with evergreen ground cover such as mondo grass or liriop spicata, or shall be paved as approved by the Director of Planning.
4. Tree grates: Tree grates are not required where all sidewalk width requirements are met. Where tree grates are required or otherwise installed, they shall be a minimum of four (4) feet by eight (8) feet, shall be a type specified by the Director of Planning in accordance with uniform design standards utilized by the Director for placement of such objects in the public right-of-way, and shall be placed within the street furniture and tree planting zone. Where tree grates are not required or otherwise installed, tree planting areas shall be permitted to be planted with evergreen ground cover such as mondo grass or liriop spicata.
5. Paving: All paving within the street furniture and tree planting zone shall be a type specified by the Director of Planning in accordance with uniform design standards utilized by the Director for placement of such objects in the public right-of-way.
6. Nothing shall be erected, placed, planted or allowed to grow in such a manner as to impede visibility within visibility triangles at street intersections between the heights of two and one-half (2½) feet and eight (8) feet above grade. See Section 16-28.008(9), Visibility at Intersections.
7. No awning or canopy shall encroach beyond the clear zone.
8. Where property within this district abuts an R, R-G, MR or PD-H district without an intervening street, the sidewalk area within twenty (20) feet of such districts shall taper as necessary to provide a smooth transition to the existing R, RG, MR or PD-H districts sidewalk. In the event that the abutting R, RG, MR or PD-H district has no existing sidewalk, the sidewalk shall taper to a width of six (6) feet.
9. Decorative pedestrian lights, where installed, shall be placed a maximum of forty (40) feet on center and spaced equal distance between required trees along all streets. Where installed, said lights shall be located within either the street furniture and tree planting zone or the supplemental zone. All said lights shall be Atlanta Type "C" as approved by the Planning Bureau.

Substitute - Exhibit A
Z-01-76

10. Every commercially reasonable effort shall be made to place utilities underground or to the rear of structures to allow for unobstructed use of sidewalks.
11. Trash receptacles or similar elements, where installed, shall be a type specified by the Director of Planning in accordance with uniform design standards utilized by the Director for placement of such objects in the public right-of-way and shall be placed within the street furniture and tree planting zone.

Section 16-33.012. Supplemental Zone.

For purposes of these regulations, the area between any building, parking garage, or parking lot and the required sidewalk, when no intervening building exists, shall be defined as the supplemental zone. Supplemental zones shall meet the following requirements. Except as otherwise specified below, the square footage contained within a supplemental zone which meets all the following supplemental zone requirements may be counted towards UOSR or public space requirements.

1. Supplemental zone general requirements:
 - a. When sidewalk level residential units are provided, the supplemental zone shall be landscaped with the exception of terraces, porches, stoops and walkways, which may occupy a maximum of two-thirds (2/3) of the supplemental zone area
 - b. Terraces, porches and stoops shall have a maximum finished floor height of twenty-four (24) inches above finished-grade, unless existing topographical considerations render this requirement unreasonable, subject to the provisions in Section 16-25.002(3);
 - c. The supplemental zone shall be no more than twenty-four (24) inches above the adjacent public sidewalk for a minimum linear distance of fifteen (15) feet from the nearest edge of the adjacent public sidewalk, unless existing topographical considerations render this requirement unreasonable;
 - d. Any authorized walls surrounding landscaped and grassed areas shall not exceed a maximum height of twenty-four (24) inches, except retaining walls, which shall not exceed a maximum height of thirty-six (36) inches unless existing topography requires a retaining wall of greater height;
 - e. Fencing permitted only when:
 - i. The supplemental zone is located between sidewalk level residential units and the adjacent street; or
 - ii. Said fencing is used to separate authorized outdoor dining from the required sidewalk.
2. Supplemental zone widths along front and side building facades:
 - a. Along streets that function as arterial and collector streets shall be a minimum width of nine (9) feet except where more than fifty (50) percent of the structures are single family or two-family, in which cases supplemental zone shall be equal to the average front yard setback for such structures.

- b. Along streets that function as local streets shall be a minimum width of five (5) feet.
- 3. Supplemental zones containing a depth of fifteen (15) feet or less shall meet the following additional requirements:
 - a. No balcony shall encroach more than ten (10) feet into the supplemental zone area.
 - b. Shall not be counted towards UOSR or public space requirements unless visible and accessible to the general public from the adjacent public sidewalk, with the exception of areas adjacent to sidewalk level residential units.
- 4. Supplemental zones containing a depth greater than fifteen (15) feet shall be counted toward UOSR or public space requirements only when the following additional requirements are met:
 - a. Shall permit and encourage pedestrians to walk on a minimum of eighty (80%) percent of the surface of the supplemental zone, excluding fountains, pedestrian furniture, public art and similar elements;
 - b. When adjacent non-residential ground floor uses are provided, shall be visible and accessible from any point along ninety (90%) percent of any adjacent sidewalk;
 - c. When adjacent non-residential ground floor uses are provided, all sides of buildings fronting said zone shall meet the requirements of Section 16-33.013(6);
 - ~~f. When adjacent residential ground floor uses are provided, shall be visible from any point along ninety (90%) percent of the adjacent sidewalk.~~
 - g.d. When adjacent residential ground floor uses are provided, shall provide a pedestrian walkway from said space to the adjacent public sidewalk. Said pedestrian walkway shall be perpendicular to the street and shall connect directly to the public sidewalk and shall be uncovered and open to the sky along its entire length.
- 5. Developments of greater than one (1) acre in area and adjacent to existing transit stops which have no shelters shall provide a shelter within the supplemental zone for a minimum of one (1) such stop. The design and location of such stop shall be approved by the Director of the Bureau of Planning.

Section 16-33.013. Relationship of Building to Street.

- 1. For purposes of this chapter, sidewalk-level shall be defined as any floor of a building with a finished-floor elevation less than or equal to five (5) feet above the adjacent sidewalk or less than or equal to five (5) feet below the adjacent sidewalk.
- 2. Delineation of building floors at third story above sidewalk level and lower shall be executed through windows, belt courses, cornice lines or similar architectural detailing.
- 3. The primary pedestrian entrance for pedestrians to access all sidewalk level uses and business establishments with public or private street frontage:
 - a. Shall face and be visible from the public or private street when located adjacent to such street. When located adjacent to a street that functions

Substitute - Exhibit A
Z-01-76

- as an arterial street or collector street, said entrance shall face and be visible from such street.
- b. Shall be directly accessible and visible from the sidewalk adjacent to such street.
 - c. Shall remain unlocked during business hours for non-residential uses.
- ~~4. The primary pedestrian entrance for pedestrians to access all sidewalk level uses and business establishments without public street frontage:~~
- ~~a. Shall face and be visible from a drive or private street. Such drives or private streets shall meet the requirements of Section 16-33.011 and Section 16-33.012.~~
 - ~~b. Shall be directly accessible and visible from the sidewalk adjacent to such drives or private streets.~~
 - ~~c. Shall remain unlocked during business hours for non-residential uses.~~
- 5.4. A street address number shall be located directly above the primary building entrance, shall be clearly visible from the sidewalk and shall be a minimum of six (6) inches in height.
- 6.5. Along streets that function as arterial streets and collector streets, sidewalk level uses with street frontage shall only be retail, office, institutional, or residential. Said uses shall be provided for a minimum depth of twenty (20) feet from any building façade along the public sidewalk.
- 7.6. Fenestration (For parking deck requirements see Section 16-33.018(10)):
- a. Street-fronting non-residential uses, with the exception of churches and fire stations, along streets that function as arterial streets and collector streets shall meet the following sidewalk level requirements:
 - i. Storage, digital industry switchboards, power generators and other relay equipment and rooms housing such equipment shall be permitted, with the exception of a minimum depth of twenty (20) feet of the ground floor street frontage beginning at any building façade along the public sidewalk.
 - ii.i. The length of façade without intervening fenestration or entryway shall not exceed twenty (20) feet.
 - iii.ii. Fenestration shall be provided for a minimum of seventy-five (75%) percent of the length of all street frontages:
 - a. Beginning at a point not more than three (3) feet above the sidewalk, to a height no less than ten (10) feet above the sidewalk or,
 - b. Beginning at the finished floor elevation to a height no less than ten (10) feet above the finished floor elevation when the finished floor elevation is three (3) or more feet above the sidewalk or
 - c. Beginning at a point not more than sidewalk level, to a height no less than ten (10) feet above the finished floor elevation when the finished floor elevation is below the sidewalk.
 - iv.iii. Fenestration shall not utilize painted glass, reflective glass or other similarly treated or opaque windows. Entrances may be counted towards fenestration requirements.
 - b. Fenestration shall be provided for a minimum of fifty (50%) percent of the length of the street frontage for residential uses on all streets and for non-residential uses, with the exception of churches and fire stations, on all

streets other than streets that function as arterial streets and collector streets.

8-7. Buildings with residential uses at the sidewalk level shall meet the following regulations:

- a. All primary pedestrian entrances not adjacent to a public sidewalk shall be linked to the public sidewalk with a pedestrian walkway a minimum of five (5) feet wide. ~~Said pedestrian walkway shall be perpendicular to the street and shall be permitted to share said walkway with one (1) adjacent unit.~~
- b. All such buildings with more than four (4) residential units that are adjacent to the sidewalk shall have individual entrances to such units directly accessible from the sidewalk and shall open directly onto the adjacent sidewalk, park, plaza, terrace or porch adjacent to the sidewalk. All pedestrian walkways providing such access shall be perpendicular to the street, unless topography prohibits, and shall be permitted to share said walkway with one (1) adjacent unit.
- c. Such buildings shall have windows at sidewalk level on each street frontage façade which are substantially similar in size to the sidewalk level front facade windows.

9-8. Sidewalk arcades: Buildings with nonresidential uses at the sidewalk level may have sidewalk arcades, which shall meet the following regulations:

- a. Shall provide an at-grade sidewalk surface.
- b. Arcade supports shall be a maximum width of five (5) feet.
- c. Shall provide a minimum of twenty-five (25) feet of clear unobstructed space between arcade supports.
- d. A building with a sidewalk arcade shall meet the requirements of Section 16-33.013(6).

10-9. Fences and walls shall meet the following regulations:

- a. For residential uses adjacent to the sidewalk, fences shall not exceed forty-two (42) inches in height when located between the primary building and the street or between any supplemental zone and the adjacent street. For non-residential uses adjacent to the sidewalk, fences are prohibited when located between the building and the sidewalk except where specifically authorized elsewhere in this Chapter for outdoor dining.
- b. Retaining walls located adjacent to a sidewalk along a public street shall not exceed a height of two (2) feet and the combined height of a fence where otherwise authorized and retaining wall shall not exceed a height of five (5) feet, unless existing topography prohibits retaining walls of a lesser height. Retaining walls shall be finished poured concrete or shall be faced with stone, brick or smooth stucco. See Section 16-29.001(25)(b).
- c. No walls, except retaining walls, shall be located between the street and any building, with the exception of screening for authorized off-street loading areas.
- d. Fences and walls located between the primary building and the lot line and not exceeding six (6) feet in height may be erected, but shall not be permitted between the primary building and the street.

~~11.10. No barbed wire, razor wire, chain link fence or similar elements shall be visible from any public plaza, ground level or sidewalk level outdoor dining area or public right-of-way.~~

~~12. Gasoline fuel dispenser structures and associated vehicular services such as air pumps and car washes shall not be located between a building and the street.~~

Section 16-33.014. Signage.

Refer to Section 16-28A. Sign Ordinance.

~~Section 16-33.015. Lighting and Storefront Illumination.~~

- ~~1. All lighting including all parking decks and lots and lit canopies shall reduce light spillage onto residentially used properties by providing cutoff luminaires which have a maximum ninety (90) degree illumination.~~
- ~~2. All lighting that up lights trees, buildings or other elements, shall be located a minimum height of eight (8) feet above the sidewalk, driveway or pedestrian area when not located within completely landscaped areas.~~

Section 16-33.0165. Loading Areas, Loading Dock Entrances and Building Mechanical and Accessory Features.

1. Loading areas: Dumpsters and loading areas shall be paved with impervious materials and shall be screened so as not to be visible from any public plaza, ground level or sidewalk level outdoor dining area, public sidewalk or public right-of way. In addition, dumpsters and loading areas serving residential uses shall be enclosed with opaque walls six (6) feet in height.
2. Loading dock entrances for non-residential uses shall be screened so that loading docks and related activity are not visible from the public right-of-way.
3. Building mechanical and accessory features:
 - a. Shall be located to the side or rear of the principal structure and shall be in the location of least visibility from the public right-of-way. Screening with plant or fence materials shall be required if the equipment is otherwise visible from the public right-of-way.
 - b. When located on rooftops shall be incorporated in the design of the building and screened with building materials similar to the building.
 - c. Shall not be permitted between the building and any public street.

Section 16-33.0176. Off Street Loading Requirements.

See Table of Loading Requirements, Section 16-28.015 Off-street Loading Requirements.

Section 16-33.0187. Curb Cuts and Parking Structures.

1. All sidewalk paving materials shall be continued across any intervening driveway at the same prevailing grade and cross slope as on the adjacent sidewalk clear zone.

Substitute - Exhibit A
Z-01-76

2. Driveway and curb cut widths shall be twenty-four (24) feet for two-way entrances and twelve (12) feet for one-way entrances, unless otherwise permitted by the Commissioner of Public Works.
3. No circular drives shall be located between any building and any public street with the exception of hotels.
4. Curb cuts and driveways shall not be permitted on any streets that function as an arterial street or collector street when access may be provided from a side or rear street located immediately adjacent to a contiguous property, with the exception of hotel patron drop-off drives.
5. Unless authorized by Section 16-33.018(3) above, driveways, except for a driveway to reach the side yard or rear yard or an on-site parking facility, are not permitted between the sidewalk and a building, and shall be perpendicular to any adjacent street.
6. Except as authorized in Section 16-33.018(3) above, no more than one (1) curb cut shall be permitted for each development, provided that properties with more than one (1) street frontage may have one (1) curb cut per located on each street frontage, ~~not to exceed two (2) curb cuts per block.~~
7. Entrances to garages and carports that serve a single residential unit shall face the rear yard, or a side yard which has no street frontage.
8. All contiguous ground-floor residential units shall share one common drive, located in rear yards or side yards without street frontage, to serve garages, carports and parking areas.
9. Parking deck facades shall conceal automobiles from visibility from any public right-of-way or private drive or street that are open to the general public, and shall have the appearance of a horizontal storied building.
10. Additional parking deck treatment along specific streets:
 - a. When located along streets that function as arterial streets or collector streets:
 - i. Shall meet the requirements of Section 16-33.013(6); or
 - ii. Shall meet the requirements of Section 16-33.013(7).
 - b. When located along all other streets:
 - i. Shall meet the requirements of Section 16-33.013(6); or
 - ii. Shall meet the requirements of Section 16-33.013(7); or
 - iii. Shall provide a continuous minimum five (5) feet wide landscaped strip between the structure and the public sidewalk, except at ingress and egress points into the structure. The landscaped strip shall be planted with street trees spaced a maximum distance of twenty (20) feet on center, which shall also meet the tree requirements in Section 16-33.011(3). The landscape strip shall also be planted with evergreen ground cover such as mondo grass, liriope spicata, ivy or evergreen shrubs with a maximum mature height of twenty-four (24) inches. All plantings, planting replacement and planting removal shall be approved by the City Arborist.
11. Notwithstanding the provisions of Section 16-28.006(10), a common or joint driveway may be authorized by the Director of the Bureau of Planning when adjacent lots have direct vehicular access to a street, and a driveway from a private street which functions as a public street may be authorized by the director of the Bureau of Planning, based on traffic considerations, when a

Substitute - Exhibit A
Z-01-76

- perpetual easement agreement is agreed upon by all affected property owners and a copy of such agreement is provided to the Bureau of Planning.
12. All developments, including parking decks, shall have sidewalks a minimum width of four (4) feet connecting ground level parking to the public sidewalks and to all building entrances. See Section 16-33.020, Minimum Landscaping for Parking Lots and Barrier Requirements.
 13. No drop-off lanes shall be permitted along public streets.

Section 16-33.0198. Lighting, Security, and Maintenance Requirements for ~~Parking Structures and Surface Parking Lots.~~

1. All lighting including all parking decks and lots and lit canopies shall reduce light spillage onto residentially used properties by providing cutoff luminaries which have a maximum ninety (90) degree illumination.
2. All lighting that up-lights trees, buildings or other elements, shall be located a minimum height of eight (8) feet above the sidewalk, driveway or pedestrian area when not located within completely landscaped areas.
3. All surface parking lots and structures, whether a nonconforming principal use or accessory in use, and whether commercial or noncommercial, shall have the following minimum requirements:
 - a. Lighting shall be provided throughout all parking facilities to equal a minimum of two (2.0) footcandle of light. A footcandle of light is a uniformly distributed flux of one (1) lumen on a surface of one (1) square foot in area. Where applicable, public street lighting may be utilized to either partially or totally fulfill the lighting requirements; however, where such street lighting is removed, it shall be the responsibility of the parking facility to independently provide these required levels of illumination.
 - ~~b. Internal parking deck lighting fixtures shall not be visible from any public right-of-way or private street.~~
 - c. Parking facilities shall be maintained in a clean, safe and sanitary condition. Parking spaces and driving lanes shall be clearly defined and maintained as such. Parking lots shall not be operated when any damage impairs the drivability of the parking lot. See Section 16-28.014 for additional requirements.
 - d. Parking facilities operating before the effective date of this section shall have twenty-four (24) months to comply herewith.

Section 16-33.02019. Minimum Landscaping for Surface Parking Lots, Barrier Requirements.

The requirements of City of Atlanta Code of Ordinances, Chapter 158 Vegetation, Article II Tree Protection, Section 30 Parking Lot Requirements shall apply to this district except as modified as follows:

1. Said parking lot requirements shall apply to all lots regardless of size;
2. All parking bays shall be terminated with a landscaped strip a minimum width of five (5) feet and equal to the length of the parking bay.
3. All required landscaped areas shall be planted with evergreen groundcover or shrubs with a maximum height of thirty (30) inches; and

Substitute - Exhibit A
Z-01-76

4. All landscaped buffer areas and strips along sidewalks, drives, private streets and public rights of way shall have a minimum of one (1) tree with a minimum caliper of three and one half (3.5) inches.

Section 16-33.0240. Off-Street Parking Requirements.

In addition to the provisions of Section 16-28.008(7), which shall apply and are incorporated herein, the following parking requirements shall apply to all uses approved by special permits. (See also Sections 16-28.013 and 16-28.014):

1. Off-street surface parking shall not be located between a building and the street without an intervening building;
2. For residential uses: See Table I, "Land Use Intensity Ratios", for minimum parking requirements under appropriate FAR for the development.
3. For non-residential uses minimum requirements unless otherwise stated:
 - a) Banks and similar institutions: One (1) space for each two hundred (200) square feet of floor area.
 - b) Child care centers: One (1) space for each six hundred (600) square feet of floor area; in addition to providing required off-street parking, such centers shall provide safe and convenient facilities for loading and unloading children, as approved by the Director of the Bureau of Traffic and Transportation.
 - c) Schools, churches, religious worship facilities, recreational or community centers and other places of assembly: One (1) space for each four (4) fixed seats with eighteen (18) inches of bench length counted as one (1) seat, or one (1) space for each thirty-five (35) square feet of enclosed floor area for the accommodation of movable seats in the largest assembly room, whichever is greater:
 - i. Public or private elementary or middle school: Two (2) spaces for each classroom.
 - ii. High school: Four (4) spaces for each classroom.
 - ~~e)d) Clothing and tailor shops: One (1) space for each one hundred (100) square feet of floor area.~~
 - ~~f)e) Commercial recreation uses including bowling alleys, poolrooms, billiard parlors, amusement arcades, game rooms and the like: One (1) space for each one hundred (100) square feet of floor area.~~
 - ~~g)f) Eating and drinking establishments: One (1) space for each one hundred (100) square feet of floor area and one (1) space for each two hundred (200) square feet of outdoor dining area.~~
 - ~~h)g) Specific regulations for retail and eating and drinking establishments within five hundred (500) feet of a MARTA rail station entrance, as measured along public streets and pedestrian walkways: Establishments with a floor area of five hundred (500) square feet or less shall have no parking requirements.~~
 - ~~i)h) Hotels and motels: One (1) space per rental unit plus one-half (0.5) space per employee.~~
 - ~~j)i) Laundry and dry cleaning pick-up stations and coin operated laundromats: One (1) space for each two hundred (200) square feet of floor area.~~

- k)j) Manufacturing, repairing not including automobiles or heavy machinery, compounding, assembly, processing, preparation, packaging or treatment of articles, foods, components, products, clothing, machines and appliances and the like: Two (2) per single-family residential and two-family residential units; Two and one-half (2.5) per multi-family residential units; and one (1) per employee.
 - h)k) Offices, arts and crafts galleries and studios permitted in Section 16--33.004(1): Two (2) per single-family residential and two-family residential units; Two and one-half (2.5) per multi-family residential units; and one (1) per employee.
 - m)l) Sales and repair establishments for home appliances, bicycles, lawn mowers, shoes, clocks and watches, and the like: One (1) space for each two hundred (200) square feet of floor area.
 - ~~n)m) Single room occupancy residence: One (1) space for each two (2) dwelling units plus one half (0.5) space for each employee; and one (1) space for each one hundred (100) square feet of restaurant/lounge gross leasable area.~~
 - ~~o)n) Theatres: One (1) space for each one (100) square feet of floor area. Theaters: One (1) space for each one hundred (100) square feet of floor area.~~
 - p)o) Accessory uses: One (1) space for each three hundred (300) square feet of floor area devoted to an otherwise permissible accessory use.
 - q)p) For all other non-residential uses: One (1) space for each three hundred (300) square feet of floor area.
4. Electric Alternative fuel vehicle charging stations: All automobile parking facilities shall include electric alternative fuel vehicle charging stations, or similar facilities, in a ratio of at least one (1) station for every one hundred (100) automobile parking spaces. No development shall be required to exceed a maximum of five (5) such spaces.
 5. Notwithstanding any provision of the City of Atlanta code of ordinances to the contrary, park-for-hire surface parking lots are prohibited.

Section 16-33.0221. Membership in Transportation Management Associations and Transportation Management Plans.

Any development in a LW district that has an non-residential office component greater than twenty-five thousand (25,000) one hundred thousand (100,000) square feet of total gross leasable floor area of space shall become a member of an existing Transportation Management Association (TMA) which provides service to the area or shall provide a Transportation Management Plan (TMP) with the criteria listed below. The Bureau of Buildings shall not issue building permits until such time as is received. The Bureau of Buildings shall not issue building occupancy permits for any development in this district until such time as the developer or leasing agent for each of the components has submitted to the Director of the Bureau of Planning, written confirmation of TMA membership or has submitted a Transportation Management Plan. The local TMA may assist with the preparation of the TMP.

Section 16-33.022. Transportation Management Plan.

~~Transportation Management Plan: The Bureau of Buildings shall not issue building permits for any development in this district until such time as the developer or leasing agent for each of the components has submitted to the Director of the Bureau of Planning, a transportation management plan (TMP) for each such component that comprises more than twenty-five thousand (25,000) square feet of total gross floor area or twenty-five (25) residential units. The TMP shall contain strategies to reduce single occupancy vehicle trips generated by the project by a minimum of twenty-five (25%) percent during a five-year period from the initial date of occupancy. The TMP and shall be based on an annual commute mode survey. Said survey shall be submitted on the day of initial occupancy and on each yearly anniversary of the date thereafter, until otherwise notified by the Director of the Bureau of Planning. The Said survey shall be based on a continuous five-day workweek for all estimated employees arriving at the work site and for all residents leaving the residential site between 6:00 A.M. and 10:00 A.M., Monday through Friday. Based upon the survey information, the employer and residential manager shall develop a TMP which shall include, but not be limited to.~~

~~The TMP shall include, but not be limited to:~~

1. Commute alternatives:
 - a. Incentives for public transit ridership such as transit cards;
 - b. Carpooling and vanpooling;
 - c. Commuter bicycling and walking programs;
 - d. Alternative work hours:
 - i. Staggered work hours;
 - ii. Compressed work weeks;
 - iii. Flexible work hours (flextime);
 - iv. Telecommuting.
2. Transportation demand strategies:
 - a. Improvements to alternative modes such as vanpooling;
 - b. Financial incentives given to employees who use commute alternatives;
 - c. Parking management programs;
 - d. Commute alternatives information and marketing;
 - e. Shared parking arrangements;
 - f. Provision for a mixture of uses on-site;
 - g. Pedestrian links to adjacent uses.
3. A program to promote and maintain employee and resident participation in carpooling, vanpooling, and use of mass transit, including a method of monitoring the number of ride sharers and their travel patterns.

Section 16-33.0232. Minimum Bicycle Parking Requirements.

All non-residential developments which provide automobile parking facilities shall provide bicycle/moped parking facilities at a ratio of at least one (1) bicycle/moped parking space for every twenty (20) automobile parking spaces. Multi-family developments shall provide said facilities at a ratio of at least one (1)

Substitute - Exhibit A
Z-01-76

bicycle/moped parking space for every five (5) multi-family units. No development, except a one or two-family development, shall have fewer than three (3) bicycle/moped parking spaces nor be required to exceed a maximum of fifty (50) spaces. Bicycle/moped spaces shall be located within the street furniture zone a maximum distance of one hundred (100) feet of the building entrance, or shall be located at least as close as the closest automobile space, except for handicapped parking spaces. Each space shall include a metal anchor sufficient to secure the bicycle/moped frame when used in conjunction with a user-supplied lock. The additional requirements of Section 16-28.014(6) shall also apply.

Section 16-33.0243. Pedestrian Bridges and Tunnels.

Pedestrian bridges and tunnels are prohibited when located above or below public streets, private streets which function as public streets connecting two (2) other public streets, or other public rights-of-way.

Section 16-33.0254. Zero-lot-line Development.

Zero-lot-line subdivision is permitted for residential uses provided a minimum of one thousand (1,000) square feet in lot area is provided. The additional requirements of Section 16-28.007 shall also apply.